

**FEDERAL COMMUNITY DEFENDER OFFICE
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEFENDER ASSOCIATION OF PHILADELPHIA
FEDERAL COURT DIVISION

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August 22, 2025

VIA ECF & EMAIL

The Honorable John F. Murphy
United States District Court Judge
United States Courthouse
601 Market Street
Philadelphia, PA 19106

**RE: United States v. Josh S. Verne
Criminal Number 24-270**

Dear Judge Murphy:

Sentencing in the above matter is currently scheduled for September 12, 2025. We are writing to respectfully request a second, unopposed continuance of Mr. Verne's sentencing hearing. As the Court may recall, at the time of Mr. Verne's change of plea hearing, the parties had not yet reached an agreement regarding the amount of loss for purposes of calculating the sentencing guidelines and for restitution. The government provided defense counsel with a draft investor loss summary on August 10, 2025, and the parties are scheduled to meet on August 22, 2025, to further discuss the loss amount. Based upon defense counsel's own investigation and preliminary calculations, it is not yet clear whether the parties are going to reach an agreement as to the loss figure or litigate the amount of loss at sentencing.

Even if the parties reach an agreement and stipulate to the amount of loss, however, the defense will not be in a position to proceed to sentencing as currently scheduled. Despite the exercise of due diligence and ongoing investigation, the defense needs additional time to complete its sentencing investigation and otherwise prepare for sentencing.

The government advised defense counsel that it does not object to Mr. Verne's request to continue his sentencing hearing; however, the government also advised that its preference is to have the sentencing hearing before the end of the calendar year if the Court's schedule allows. With respect to scheduling, Mr. Verne brings to the Court's attention that if there is no stipulation to the loss amount, the defense will ask for a bifurcated sentencing proceeding. If the parties litigate amount of loss in addition to other anticipated sentencing guidelines disputes, the defense will argue that it is appropriate to hold a separate proceeding to determine the correct sentencing guidelines calculation.

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Thank you for your consideration. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully,

/s/ Angela Levy
ANGELA LEVY
Assistant Federal Defender

/s/ Michael McCrossen
MICHAEL McCROSSEN
Assistant Federal Defender

AL/te

cc: Jerome Maiatico, Assistant United States Attorney
Paul Shapiro, Assistant United States Attorney
George McGary, United States Probation Officer